

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 387 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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KISHORSONH D RATHOD

Versus

DEPUTY ENGINEER  
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Appearance:

MR DEEPAK M SHAH for Petitioners  
MR PREMAL JOSHI for M/S PATEL ADVOCATES for  
Respondent No. 1, 2, 3  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/09/2000

ORAL JUDGEMENT

#. Twofold prayers have been made by petitioners in this special civil application. So far as the first prayer is concerned regarding allotment of agricultural lands to the petitioners, it is wholly baseless. This claim is

based only on promises alleged to be made by the Government or on the basis of some Government policies. So far as Government policies are concerned, the same are not produced on record and so far as promises are concerned, it is too vague to be accepted by the court, more so when it is a disputed question of fact. The learned counsel for the petitioners admit that the respondent No.2 has allotted alternative accommodation for residential purpose.

#. So far as second grievance is concerned, both the petitioners have been made regular employees, i.e. permanent with effect from 1.10.88. Their claim is for permanency on the post from the back date. In the further affidavit, more particularly in paragraph-3 thereof, the petitioners made a reference to the cases of fourteen persons who are alleged to be junior to them were regularized prior to the regularization of petitioners. This court, on 9th May, 2000, has given direction to the respondents to file counter affidavit to this further affidavit. That has not been filed. In view of this fact, prima-facie, what is stated in paragraph-3 of the further affidavit it to be taken to be correct and instead of giving decision finally, the petitioners are directed to make a representation for this claim to the respondent No.3 and in case such a representation is made within one month from the date of receipt of certified copy of this order, same shall be decided by respondent No.3 within two months next. Where the claim of the petitioners for their deemed permanency from the date on which the alleged fourteen persons were made permanent is not acceptable, a reasoned order be passed and a copy of the same be sent to the petitioners by registered post A.D. In case on the representation, the order goes adverse to the petitioners, they are free to apply for revival of this special civil application. Rule and special civil application stand accordingly disposed of with no order as to costs.

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(sunil)